

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6208**

**BILL NUMBER:** SB 220

**NOTE PREPARED:** Jan 29, 2013

**BILL AMENDED:** Jan 28, 2013

**SUBJECT:** Sex Offenders and Social Media.

**FIRST AUTHOR:** Sen. Merritt

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) The bill provides that a person who has been convicted of: (1) child molesting as a Class A felony; or (2) child solicitation; commits a sex offender Internet offense if the person knowingly or intentionally uses a social networking web site or an instant messaging or chat room program and knows that persons less than 18 years of age are allowed to access or use the social networking web site or instant messaging or chat room program.

The bill specifies that an offender against children who knowingly or intentionally uses a social networking web site or an instant messaging or chat room program to communicate with a child less than 16 years of age without the permission of the child's parent or guardian commits a sex offender Internet offense. It provides that a sex offender Internet offense is a Class A misdemeanor or, if the person has a prior unrelated conviction of a sex offender Internet offense, a Class D felony.

The bill establishes certain defenses.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** The bill specifies conditions under which the crime of "sex offender Internet offense" would apply. The bill narrows somewhat the offense of sex offender Internet offense. However, it is unknown how many people might be convicted of the revised offense.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house

an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$78,318 in FY 2012. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** If fewer court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would decrease. The maximum fine for a Class A misdemeanor is \$5,000 and \$10,000 for a Class D felony. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

**Explanation of Local Expenditures:** A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** When court actions occur and a guilty verdict is entered, local governments receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

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